

014  
U522043

533-62-2673

AFFIDAVIT

STATE OF DELAWARE §  
§  
COUNTY OF NEW CASTLE §

07/24/00 201304591 U522043 \$23.00

BEFORE ME, the undersigned authority, on this day appeared before me, Larry C. Lapple, Vice-President of GB Biosciences Corporation, Successor in Interest to Fermenta Plant Protection Company, Grantee of the herein described Real Property from Diamond Shamrock Corporation, as Grantor, and who, after being by me first duly sworn, did state under oath the following:

22  
W  
"My name is Larry C. Lapple, I am the Vice President of GB Biosciences Corporation, Successor in Interest to Fermenta Plant Protection Company, Grantee of the herein described Real Property from Diamond Shamrock Corporation, as Grantor, I am over eighteen (18) years of age, and I have personal knowledge of all the facts herein stated.

On or about June 25, 1976, a document was executed on behalf of Diamond Shamrock Corporation, in which a tract of land was described on what is now situated a Class I Landfill, for Site No. 2, Greens Bayou Plant, Greens Bayou, Harris County, Texas, which property is described as follows, to wit:

SEE EXHIBIT "A" WHICH IS ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

The Real Property described in Exhibit "A," which is attached hereto, has been conveyed by Diamond Shamrock Corporation, as Grantor, to Fermenta Plant Protection Company, as Grantee, and the present owner of the property described in Exhibit "A" is GB Biosciences Corporation, which is the Successor in Interest to Fermenta Plant Protection Company.

The Real Property described in the Field Notes of June 25, 1976, contains 6.91001 acres of land, whereas it is the desire of GB Biosciences Corporation, that the Field Notes as described in Exhibit "A" have added to said Field Notes, the following described additional Real Property, to wit:

9548304



533-62-2674

SEE EXHIBIT "B" WHICH IS ATTACHED HERETO AND  
MADE A PART HEREOF FOR ALL PURPOSES.

By adding the Real Property as described in Exhibit "B" to the Real Property as described in Exhibit "A," the Class I Landfill, Site No. 2, Greens Bayou Plant, Greens Bayou, Harris County, Texas, which is owned by GB Biosciences Corporation, shall now consist of 7.193 acres of land (313,334 square feet), which shall be the amended legal description for said Class I Landfill, Site No. 2, Greens Bayou Plant, Greens Bayou, Harris County, Texas, being more fully described as follows, to wit:

SEE EXHIBIT "C" WHICH IS ATTACHED HERETO AND  
MADE A PART HEREOF FOR ALL PURPOSES.

It is the purpose of this Affidavit to provide that there shall now be included within the boundaries of the Class I Landfill, Site No. 2, Greens Bayou Plant, Greens Bayou, Harris County, Texas, the properties described in Exhibits "A" and "B," so that now the full and complete legal description of the Class I Landfill, Site No. 2, Greens Bayou Plant, shall now consist of 7.193 acres of land, as described in Exhibit "C"; which amended legal description is now ratified for all purposes by the now owner of said property as described in Exhibit "C," which owner is GB Biosciences Corporation."

Dated this 13<sup>th</sup> day of July, 2000.

GB BIOSCIENCES CORPORATION

By: Larry C. Lapple

Larry C. Lapple  
Print Name

Vice-President  
Print Title

10/1  
none

533-62-2675

SWORN TO AND SUBSCRIBED BEFORE ME this 13<sup>TH</sup> day of July, 2000.

*Marie E. Harrington*  
Notary Public  
State of Delaware

Printed Name of Notary

My Commission Expires

MARIE E. HARRINGTON  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires March 21, 2004

FILE FOR RECORD  
8:00 AM

JUL 24 2000

*Shirley L. Taylor*  
County Clerk, Harris County, Texas

533-62-2676

STATE OF DELAWARE  
COUNTY OF NEW CASTLE

§  
§  
§

This instrument was acknowledged before me on the 13 day of July, 2000, by Larry C. Lapple, Vice-President of Biosciences Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 13 day of July, 2000.

*Larry C. Lapple*

Notary Public

State of Delaware

*Marie E. Harrington*

Printed Name of Notary

My Commission Expires: \_\_\_\_\_

MARIE E. HARRINGTON  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires March 21, 2004

AFTER RECORDING PLEASE RETURN TO:  
ROBERT L. LIPSTET  
LIPSTET & HIRSCH, L.L.P.  
1980 POST OAK BLVD.  
SUITE 1780  
HOUSTON, TEXAS 77056-3809



533-62-2677

143-15-0748

June 25, 1976

FIELD NOTES  
Area No 2

Of a certain 6.91001 acre tract of land being out of Diamond Shamrock Chemical Company's 145,903 acre tract referred to as the Fifth Tract per instrument recorded under Harris County Clerk's File Number 262,739 of the Real Property Records of Harris County, Texas, out of the Richard and Robert Vince League Abstract 76, Harris County, Texas, and being more particularly described as follows:

BEGINNING at a point for the southeast corner of the herein described tract; from which the southeast corner of the abovementioned 145,903 acre tract is located East, a distance of 286.90 feet to the east line of said 145,903 acre tract and thence, South, along said east line, a distance of 1149.4 feet;

THENCE West, a distance of 430.00 feet to a point for the southwest corner of the herein described tract;

THENCE North, a distance of 700.00 feet to a point for the northwest corner of the herein described tract;

THENCE East, a distance of 430.00 feet to a point for the northeast corner of the herein described tract;

THENCE South, a distance of 700.00 feet to the PLACE OF BEGINNING and containing 6.91001 acres of land.

*Harold B. Fisher*  
Harold B. Fisher  
Registered Public Surveyor No. 558

REPRODUCED HEREIN  
From G. A. B. Records On This Page  
In The Original Signature

EXHIBIT

"A"

533-62-2678

**METES AND BOUNDS DESCRIPTION  
OF A DISPOSAL SITE IN THE  
RICHARD & ROBERT VINCE SURVEY, ABSTRACT NO. 76  
HARRIS COUNTY, TEXAS**

Being a site in the RICHARD & ROBERT VINCE Survey, Abstract No. 76, in Harris County, Texas, and being a portion of that certain Reserve "A" out of ISK Subdivision as recorded in Volume 406, Page 50 of the Harris County Map Records and being more particularly described by metes and bounds as follows: with all bearings here being based upon the Texas State Plane Coordinate System and the City of Houston Monumentation System;

COMMENCING at an "X" cut in concrete found marking the southerly corner of Reserve "B", having State Plane Coordinates of  $y = 719,855.95$ ,  $x = 3,215,470.33$ ;

THENCE North 03 degrees 29 minutes 08 seconds West across Reserve "B", a distance of 1149.40 feet to a point for reference;

THENCE South 86 degrees 30 minutes 52 seconds West passing at 201.94 feet the common line of Reserve "A" and Reserve "B" for a total distance of 286.90 feet to a point marking the southeast corner of a 6.910 acre disposal site as described in Harris County Clerk's File No. E805844 and being the POINT OF BEGINNING;

THENCE North 03 degrees 29 minutes 08 seconds West along the East line of the 6.910 acre disposal site, a distance of 307.97 feet to a point for the northwest corner;

THENCE North 86 degrees 36 minutes 46 seconds East, a distance of 31.23 feet to a point for the northeast corner;

THENCE South 03 degrees 23 minutes 14 seconds East, a distance of 328.17 feet to a northeast point on a 0.156 acre contaminated soil site for a southerly corner;

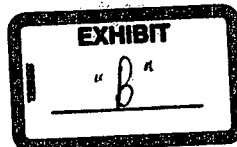
THENCE South 86 degrees 36 minutes 46 seconds West along the North line of the 0.156 acre site, a distance of 7.20 feet to a point for corner;

THENCE South 03 degrees 23 minutes 14 seconds East along a westerly line of the 0.156 acre site, a distance of 9.70 feet to a point for corner;

THENCE South 86 degrees 36 minutes 46 seconds West along a northerly line of the 0.156 acre site, passing at 28.80 feet the corner of the 0.156 acre site, a total distance of 88.82 feet to a point for corner;

THENCE North 03 degrees 23 minutes 14 seconds West, a distance of 29.79 feet to a point on the south line of the 6.910 acre site for corner;

THENCE North 86 degrees 30 minutes 52 seconds East along the south line of the 6.910 acre site, a distance of 65.32 feet to the POINT OF BEGINNING and containing 0.283 acres (12,334 square feet).



METES AND BOUNDS DESCRIPTION  
OF AN AMENDED DISPOSAL SITE IN THE  
RICHARD & ROBERT VINCE SURVEY, ABSTRACT NO. 76  
HARRIS COUNTY, TEXAS

533-62-2679

Being a site in the RICHARD & ROBERT VINCE Survey, Abstract No. 76, in Harris County, Texas, and being a portion of that certain Reserve "A" out of ISK Subdivision as recorded in Volume 406, Page 50 of the Harris County Map Records and being more particularly described by metes and bounds as follows: with all bearings here being based upon the Texas State Plane Coordinate System and the City of Houston Monumentation System;

COMMENCING at an "X" cut in concrete found marking the southerly corner of Reserve "B", having State Plane Coordinates of  $y = 719,855.95$ ,  $x = 3,215,470.33$ ;

THENCE North 03 degrees 29 minutes 08 seconds West across Reserve "B", a distance of 1149.40 feet to a point for reference;

THENCE South 86 degrees 30 minutes 52 seconds West passing at 201.94 feet the common line of Reserve "A" and Reserve "B" also passing at a distance of 286.90 feet, the original southeast corner of the original 6.910 acre disposal site, for a total distance of 352.22 feet to a point marking a southerly corner of the 7.193 acre disposal site and being the POINT OF BEGINNING;

THENCE South 86 degrees 30 minutes 52 seconds West along the south line of the original 6.910 acre site, a distance of 364.68 feet to a point for the southwest corner of the original 6.910 acre disposal tract and the southwest corner of the herein described tract;

THENCE South 03 degrees 29 minutes 08 seconds East along the east line of the original 6.910 acre disposal site, a distance of 392.03 feet to a point for an easterly corner;

THENCE North 86 degrees 36 minutes 46 seconds East, a distance of 31.23 feet to a point for an easterly corner;

THENCE South 03 degrees 23 minutes 14 seconds East, a distance of 328.17 feet to a point on a 0.156 acre contaminated soil site for a southerly corner;

THENCE South 86 degrees 36 minutes 46 seconds West along the north line of the 0.156 acre contaminated soil site, a distance of 7.20 feet to a point for corner;

THENCE South 03 degrees 23 minutes 14 seconds East along the westerly line of the 0.156 acre contaminated soil site, a distance of 9.70 feet to a point for corner;

THENCE South 86 degrees 36 minutes 46 seconds West along a northerly line of the 0.156 acre contaminated soil site, passing at 28.80 feet the corner of the 0.156 acre contaminated soil site, a total distance of 88.82 feet to a point for corner;

THENCE North 03 degrees 23 minutes 14 seconds West, a distance of 29.79 feet to a point on the south line of the 6.910 acre site for corner and being the POINT OF BEGINNING and containing 7.193 acres (313,334 sq. ft.).

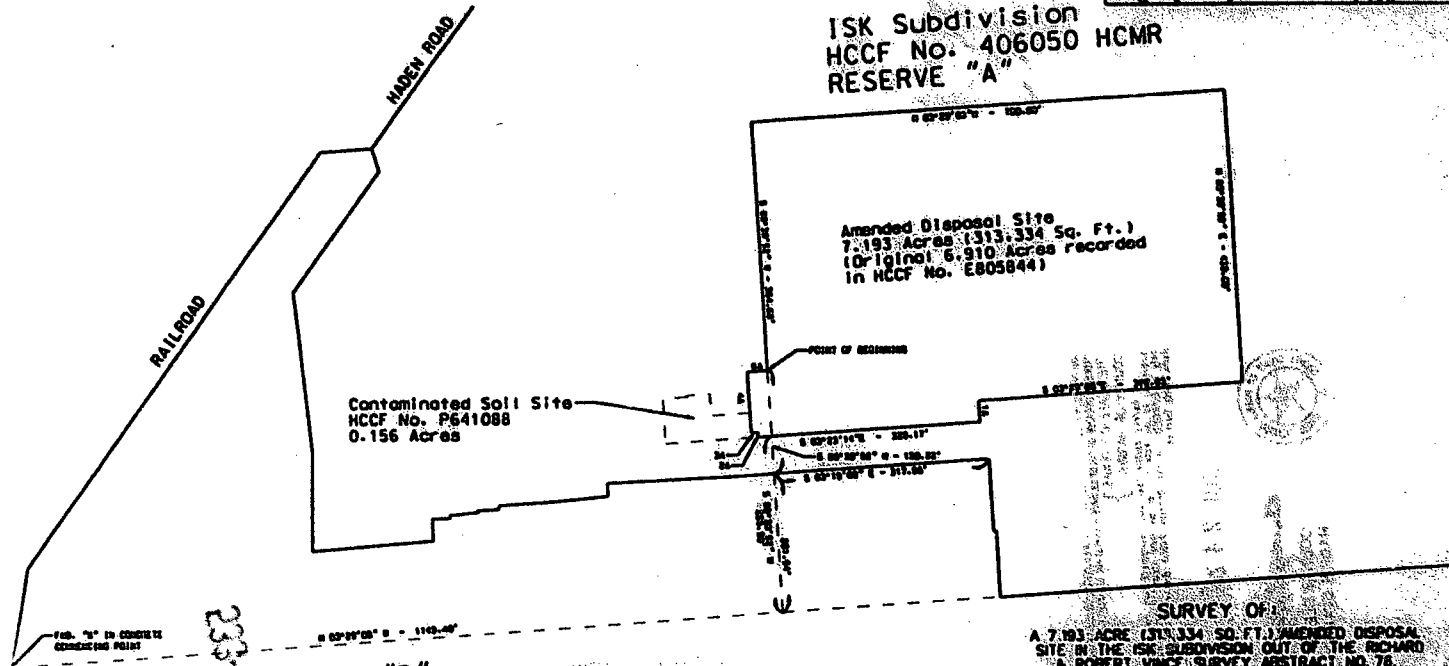


*Allen Munz*  
5-18-00

LINE	BEARING	DIST.	AREA
1A	S 89°25'45" E	150.00	1.10
1B	S 89°25'45" E	150.00	1.10
1C	S 89°25'45" E	150.00	1.10
1D	S 89°25'45" E	150.00	1.10
1E	S 89°25'45" E	150.00	1.10
1F	S 89°25'45" E	150.00	1.10
1G	S 89°25'45" E	150.00	1.10
1H	S 89°25'45" E	150.00	1.10
1I	S 89°25'45" E	150.00	1.10
1J	S 89°25'45" E	150.00	1.10
1K	S 89°25'45" E	150.00	1.10
1L	S 89°25'45" E	150.00	1.10
1M	S 89°25'45" E	150.00	1.10
1N	S 89°25'45" E	150.00	1.10
1O	S 89°25'45" E	150.00	1.10
1P	S 89°25'45" E	150.00	1.10
1Q	S 89°25'45" E	150.00	1.10
1R	S 89°25'45" E	150.00	1.10
1S	S 89°25'45" E	150.00	1.10
1T	S 89°25'45" E	150.00	1.10
1U	S 89°25'45" E	150.00	1.10
1V	S 89°25'45" E	150.00	1.10
1W	S 89°25'45" E	150.00	1.10
1X	S 89°25'45" E	150.00	1.10
1Y	S 89°25'45" E	150.00	1.10
1Z	S 89°25'45" E	150.00	1.10



ISK Subdivision  
HCCF No. 406050 HCMR  
RESERVE "A"



233-5-5081



*R. W. Patrick*  
Surveyor  
Houston, Texas

GB BIOSCIENCES					
AMENDED DISPOSAL SITE BOUNDARY					
JOB NO.	DATE	SCALE	REVISION	BY	DATE
0-22-00	4-10-00	1"=100'	1		
R. W. PATRICK & ASSOCIATES, INC.					

533-62-2680



533-62-2681

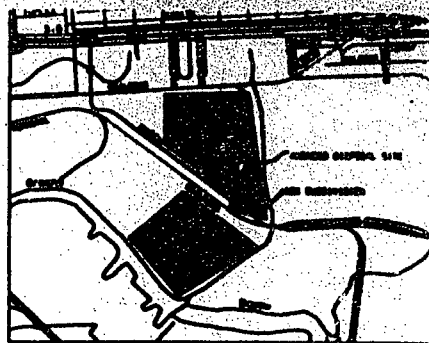
ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, LEASE, OR USE OF THE DESCRIBED REAL  
PROPERTY BECAUSE OF COLOR OR RACE IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I, \_\_\_\_\_, County Clerk of the County of Harris, Texas, do hereby certify that this instrument was FILED in the Public  
Records of the County of Harris, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2000, and that the same has been  
RECORDED in the Public Records of the County of Harris, Texas, in accordance with the provisions of the  
Texas Constitution and the laws of the State of Texas.

JUL 24 2000



*Barbara J. Taylor*  
COUNTY CLERK  
HARRIS COUNTY TEXAS

233-05-5890



ISK Subdivision  
HCCF No. 406050 HCMR  
RESERVE "A"

Amended Disposal Site  
7.193 Acres (313,334 Sq. Ft.)  
(Original 6.910 Acres recorded  
in HCCF No. E805844)

POINT OF BEGINNING

1.02° 17' 00" N - 275.00'